

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

W. PAUL MAYHUE,)
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Plaintiff,) Case No. 1:12-cv-398
)
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v.) Honorable Paul L. Maloney
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TOUCHSTONE INNOVARE,)
)
)
Defendant.))
)

ORDER DENYING LEAVE TO PROCEED IN FORMA PAUPERIS

This is a civil rights action brought by a former employee of defendant Touchstone Innovare, alleging age discrimination. Plaintiff, acting *pro se*, has moved for leave to proceed *in forma pauperis*. His financial affidavit discloses that he has \$30,000.00 cash on hand, owns his home valued at \$100,000.00, and has a brokerage account at Scott Trade of an undisclosed value. The affidavit does not disclose the existence of a mortgage or other significant liabilities.

The filing fee for a civil action is currently \$350.00. 28 U.S.C. § 1914(a). The court should only grant leave to proceed *in forma pauperis* when it reasonably appears that paying the cost of this filing fee would impose an undue financial hardship. *Prows v. Kastner*, 842 F.2d 138, 140 (5th Cir. 1988); *Stefanowicz v. Suntrust Mortg., Inc.*, No. 3:08-cv-2103, 2008 WL 5047794, at * 1 (M.D. Pa. Nov. 24, 2008). It is not unreasonable to require a litigant to devote a portion of his discretionary funds to defray a fraction of the costs of his litigation. *See Lambert v. Illinois Dep't of Corr.*, 827 F.2d 257, 260 (7th Cir. 1987); *see also Westgate v. Astrue*, No. 08-4136, 2008 WL

5110906, at * 1 (D. Kan. Dec. 2, 2008). In this case, the record discloses that plaintiff has substantial assets. By no stretch of the imagination can plaintiff be deemed “indigent.” The filing fee of \$350.00 is not beyond plaintiff’s means, nor would it impose a hardship upon him. In such circumstances, a plaintiff does not qualify for pauper status and the application under 28 U.S.C. § 1915(a)(1) should be denied. *See Palazzolo v. University of Mich. Hosp.*, No. 10-10650, 2010 WL 1780958, at * 1 (E.D. Mich. Apr. 30, 2010); *see also Russell v. City of Dallas*, No. 3:11-cv-493, 2011 WL 1897356, at * 1 (N.D. Tex. Apr. 22, 2011); *Ficken v. Golden*, No. 09-71, 2009 WL 637101, at * 1 (D.D.C. Mar. 10, 2009).

Accordingly, plaintiff’s application for leave to proceed *in forma pauperis* is DENIED. Plaintiff will have 30 days from the date of this order in which to pay the filing fee. If the filing fee is not paid within that time, the case will be dismissed.

IT IS SO ORDERED.

Dated: April 30, 2012

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge